

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LUNELL GAMBLE, ET AL.,

Plaintiffs,

vs.

KAISER FOUNDATION HEALTH PLAN, INC.,
ET AL.,

Defendants.

CASE No. 17-cv-06621-YGR

**ORDER GRANTING MOTION TO DISMISS
OR STRIKE PORTIONS OF THIRD
AMENDED COMPLAINT**

Re: Dkt. No. 81

Pending before the Court is the motion of defendants Kaiser Foundation Health Plan Inc., *et al.* to dismiss and/or strike portions of plaintiffs' Third Amended Complaint. (Dkt. No. 81.) The Court heard argument on the motion on April 22, 2019. Having duly considered the papers submitted in support of and in opposition to the motion, the pleadings, and the parties' arguments, and for the reasons stated on the record, the Court **GRANTS** the motion. The following portions of the complaint are ordered **STRICKEN WITH PREJUDICE**:

- plaintiffs' litigation tactics claim (Fifth Cause of Action);
- paragraphs 22 and its subparts;
- paragraph 40;
- paragraph 51;
- paragraph 53;
- the following language from Paragraph 59: "¶ [sic] 1981" (lines 7-8); and
- the following language from Paragraph 60: "and § 1981" (lines 10-11).

Plaintiffs shall file a Fourth Amended Complaint, deleting the above allegations from the pleading, no later than **April 29, 2019**. Defendants shall file their answer no later than **May 6, 2019**.

This terminates Docket No. 81.

IT IS SO ORDERED.

Dated: April 23, 2019



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE